

House File 2458 - Introduced

HOUSE FILE 2458
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 679)

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government entities involved with agriculture, natural
3 resources, and environmental protection, making related
4 statutory changes, providing for eminent domain procedures,
5 and including effective and applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATION FOR FY 2014-2015

Section 1. 2013 Iowa Acts, chapter 132, section 27, is amended to read as follows:

SEC. 27. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:
..... \$ ~~8,790,664~~
17,605,492
..... FTEs 372.00

2. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute:

..... \$ ~~119,000~~
238,000

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

1 Sec. 2. 2013 Iowa Acts, chapter 132, section 28, is amended
2 to read as follows:

3 SEC. 28. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
4 HORSE AND DOG RACING. There is appropriated from the moneys
5 available under section 99D.13 to the department of agriculture
6 and land stewardship for the fiscal year beginning July 1,
7 2014, and ending June 30, 2015, the following amount, or so
8 much thereof as is necessary, to be used for the purposes
9 designated:

10 For purposes of supporting the department's administration
11 and enforcement of horse and dog racing law pursuant to section
12 99D.22, including for salaries, support, maintenance, and
13 miscellaneous purposes:

14	\$	152,758
15		<u>305,516</u>

16 Sec. 3. 2013 Iowa Acts, chapter 132, section 29, is amended
17 to read as follows:

18 SEC. 29. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR
19 FUEL INSPECTION. There is appropriated from the renewable
20 fuel infrastructure fund created in section 159A.16 to the
21 department of agriculture and land stewardship for the fiscal
22 year beginning July 1, 2014, and ending June 30, 2015, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purposes designated:

25 For purposes of the inspection of motor fuel, including
26 salaries, support, maintenance, and miscellaneous purposes:

27	\$	250,000
28		<u>500,000</u>

29 The department shall establish and administer programs
30 for the auditing of motor fuel including biofuel processing
31 and production plants, for screening and testing motor fuel,
32 including renewable fuel, and for the inspection of motor fuel
33 sold by dealers including retail dealers who sell and dispense
34 motor fuel from motor fuel pumps.

35 SPECIAL APPROPRIATIONS

1 pursuant to chapter 267A.

2 3. Notwithstanding section 8.33, moneys appropriated in
3 this section that remain unencumbered or unobligated at the
4 close of the fiscal year shall not revert but shall remain
5 available to be used for the purposes designated until the
6 close of the succeeding fiscal year.

7 Sec. 6. 2013 Iowa Acts, chapter 132, section 32, is amended
8 to read as follows:

9 SEC. 32. AGRICULTURAL EDUCATION. There is appropriated
10 from the general fund of the state to the department of
11 agriculture and land stewardship for the fiscal year beginning
12 July 1, 2014, and ending June 30, 2015, the following amount,
13 or so much thereof as is necessary, to be used for the purposes
14 designated:

15 1. For purposes of allocating moneys to an Iowa association
16 affiliated with a national organization which promotes
17 agricultural education providing for future farmers:

18	\$	12,500
19		<u>25,000</u>

20 2. Notwithstanding section 8.33, moneys appropriated for
21 the fiscal year beginning July 1, 2014, in this section that
22 remain unencumbered or unobligated at the close of the fiscal
23 year shall not revert but shall remain available to be used
24 for the purposes designated until the close of the succeeding
25 fiscal year.

26 Sec. 7. 2013 Iowa Acts, chapter 132, section 33, is amended
27 to read as follows:

28 SEC. 33. FARMERS WITH DISABILITIES PROGRAM.

29 1. There is appropriated from the general fund of the state
30 to the department of agriculture and land stewardship for the
31 fiscal year beginning July 1, 2014, and ending June 30, 2015,
32 the following amount, or so much thereof as is necessary, to be
33 used for the purposes designated:

34 For purposes of supporting a program for farmers with
35 disabilities:

1	\$	65,000
2		<u>130,000</u>

3 2. The moneys appropriated in subsection 1 shall be used for
4 the public purpose of providing a grant to a national nonprofit
5 organization with over 80 years of experience in assisting
6 children and adults with disabilities and special needs.

7 a. The moneys shall be used to support a nationally
8 recognized program that began in 1986 and has been replicated
9 in at least 30 other states, but which is not available through
10 any other entity in this state, and that provides assistance
11 to farmers with disabilities in all 99 counties to allow the
12 farmers to remain in their own homes and be gainfully engaged
13 in farming through provision of agricultural worksite and home
14 modification consultations, peer support services, services
15 to families, information and referral, and equipment loan
16 services.

17 b. Notwithstanding section 8.33, moneys appropriated in
18 this section that remain unencumbered or unobligated at the
19 close of the fiscal year shall not revert but shall remain
20 available for expenditure for the purposes designated until the
21 close of the succeeding fiscal year.

22 DIVISION II
23 GENERAL FUND
24 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
25 WATER QUALITY
26 APPROPRIATIONS FOR FY 2014-2015

27 Sec. 8. 2013 Iowa Acts, chapter 132, section 34, is amended
28 to read as follows:

29 SEC. 34. WATER QUALITY INITIATIVE — GENERAL.

30 1. There is appropriated from the general fund of the state
31 to the department of agriculture and land stewardship for the
32 fiscal year beginning July 1, 2014, and ending June 30, 2015,
33 the following amount, or so much thereof as is necessary, to be
34 used for the purposes designated:

35 For deposit in the water quality initiative fund created

1 in section 466B.45, as enacted by this Act, for purposes of
2 supporting the water quality initiative administered by the
3 soil conservation division as provided in section 466B.42, as
4 enacted by this Act, including salaries, support, maintenance,
5 miscellaneous purposes, and for not more than the following
6 full-time equivalent positions:

7	\$	4,400,000
8	FTEs	1.00
9			<u>2.00</u>

10 2. a. The moneys appropriated in subsection 1 shall be
11 used to support ~~reducing nutrients~~ projects in subwatersheds
12 as designated by the division that are part of high-priority
13 watersheds identified by the water resources coordinating
14 council established pursuant to section 466B.3. ~~In supporting~~
15 ~~reducing nutrients~~

16 b. The moneys appropriated in subsection 1 shall be used to
17 support projects in watersheds generally, including regional
18 watersheds, as designated by the division and high-priority
19 watersheds identified by the water resources coordinating
20 council established pursuant to section 466B.3.

21 2A. In supporting projects in subwatersheds, the division
22 shall establish and administer demonstration projects as
23 follows and watersheds as provided in subsection 2, all of the
24 following shall apply:

25 a. The demonstration projects shall utilize water quality
26 practices as described in the latest revision of the document
27 entitled "Iowa Nutrient Reduction Strategy" initially presented
28 in November 2012 by the department of agriculture and land
29 stewardship, the department of natural resources, and Iowa
30 state university of science and technology.

31 b. The division shall implement demonstration projects as
32 provided in paragraph "a" by providing for participation by
33 persons who hold a legal interest in agricultural land used in
34 farming. To every extent practical, the division shall provide
35 for collaborative participation by such persons who hold a

1 legal interest in agricultural land located within the same
2 subwatershed.

3 c. The division shall implement a demonstration project on
4 a cost-share basis as determined by the division. However, the
5 state's share of the amount shall not exceed 50 percent of the
6 estimated cost of establishing the practice as determined by
7 the division or 50 percent of the actual cost of establishing
8 the practice, whichever is less.

9 d. The demonstration projects shall be used to educate other
10 persons about the feasibility and value of establishing similar
11 water quality practices. The division shall promote field day
12 events for purposes of allowing interested persons to establish
13 water quality practices on their agricultural land.

14 e. The division shall conduct water quality evaluations
15 within supported subwatersheds. Within a reasonable period
16 after accumulating information from such evaluations,
17 the division shall create an aggregated database of water
18 quality practices. Any information ~~identifying a person~~
19 ~~holding a legal interest in agricultural land or specific~~
20 ~~agricultural land shall be a confidential record under section~~
21 22.7 received, collected, or held under this section is a
22 confidential record and is exempted from public access pursuant
23 to section 466B.49 as enacted by this 2014 Act.

24 3. The moneys appropriated in subsection 1 shall be used
25 to support education and outreach in a manner that encourages
26 persons who hold a legal interest in agricultural land used for
27 farming to implement water quality practices, including the
28 establishment of such practices in watersheds generally, and
29 not limited to subwatersheds or high-priority watersheds.

30 4. The moneys appropriated in subsection 1 may be used
31 to contract with persons to coordinate the implementation of
32 efforts provided in this section. Not more than \$150,000 shall
33 be used to support the administration of this section by a
34 full-time equivalent position.

35 4A. The moneys appropriated in subsection 1 may be used by

1 the department to support urban soil and water conservation
2 efforts, which may include but are not limited to management
3 practices related to bioretention, landscaping, the use of
4 permeable pavement, and soil quality restoration. The moneys
5 shall be allocated on a cost-share basis as provided in chapter
6 161A.

7 5. Notwithstanding any other provision of law to the
8 contrary, the department may use moneys appropriated in
9 subsection 1 to carry out the provisions of this section on a
10 cost-share basis in combination with other moneys appropriated
11 available to the department from ~~the environment first~~
12 ~~fund created in section 8.57A for cost sharing to match the~~
13 ~~United States department of agriculture, natural resources~~
14 ~~conservation service, wetland reserve enhancement program a~~
15 state or federal source.

16 Sec. 9. 2013 Iowa Acts, chapter 132, section 35, is amended
17 to read as follows:

18 SEC. 35. IOWA NUTRIENT RESEARCH CENTER.

19 1. There is appropriated from the general fund of the state
20 to Iowa state university of science and technology for the
21 fiscal year beginning July 1, 2014, and ending June 30, 2015,
22 the following amount, or so much thereof as is necessary, to be
23 used for the purposes designated:

24 For purposes of supporting an Iowa nutrient research center
25 as established in section 466B.47, as enacted in this Act:

26 \$ 750,000
27 1,500,000

28 2. Notwithstanding section 8.33, moneys appropriated in
29 this section that remain unencumbered or unobligated at the
30 close of the fiscal year shall not revert but shall remain
31 available for expenditure for the purposes designated until the
32 close of the fiscal year beginning July 1, 2015.

33 DIVISION III

34 DEPARTMENT OF NATURAL RESOURCES

35 GENERAL APPROPRIATIONS FOR FY 2014-2015

1 Sec. 10. 2013 Iowa Acts, chapter 132, section 37, is amended
2 to read as follows:

3 SEC. 37. GENERAL FUND — DEPARTMENT.

4 1. There is appropriated from the general fund of the state
5 to the department of natural resources for the fiscal year
6 beginning July 1, 2014, and ending June 30, 2015, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:

9	For purposes of supporting the department, including its	
10	divisions, for administration, regulation, and programs; for	
11	salaries, support, maintenance, and miscellaneous purposes; and	
12	for not more than the following full-time equivalent positions:	
13	\$ 6,383,350
14		<u>12,862,307</u>
15 FTEs	1,145.95

16 2. Of the number of full-time equivalent positions
17 authorized to the department pursuant to subsection 1, 50.00
18 full-time equivalent positions shall be allocated by the
19 department for seasonal employees for purposes of providing
20 maintenance, upkeep, and sanitary services at state parks.
21 This subsection shall not impact park ranger positions within
22 the department.

23 3. The department shall submit a report each quarter of the
24 fiscal year to the legislative services agency, the department
25 of management, the members of the joint appropriations
26 subcommittee on agriculture and natural resources, and the
27 chairpersons and ranking members of the senate and house
28 committees on appropriations. The report shall describe in
29 detail the expenditure of moneys appropriated under this
30 section to support the department's administration, regulation,
31 and programs.

32 Sec. 11. 2013 Iowa Acts, chapter 132, section 38, is amended
33 to read as follows:

34 SEC. 38. STATE FISH AND GAME PROTECTION FUND — REGULATION
35 AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1 1. There is appropriated from the state fish and game
2 protection fund to the department of natural resources for the
3 fiscal year beginning July 1, 2014, and ending June 30, 2015,
4 the following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6 For purposes of supporting the regulation or advancement of
7 hunting, fishing, or trapping, or the protection, propagation,
8 restoration, management, or harvest of fish or wildlife,
9 including for administration, regulation, law enforcement, and
10 programs; and for salaries, support, maintenance, equipment,
11 and miscellaneous purposes:

12 \$ 20,539,117
13 41,223,225

14 2. Notwithstanding section 455A.10, the department may use
15 the unappropriated balance remaining in the state fish and game
16 protection fund to provide for the funding of health and life
17 insurance premium payments from unused sick leave balances of
18 conservation peace officers employed in a protection occupation
19 who retire, pursuant to section 97B.49B.

20 3. Notwithstanding section 455A.10, the department of
21 natural resources may use the unappropriated balance remaining
22 in the state fish and game protection fund for the fiscal
23 year beginning July 1, 2014, and ending June 30, 2015, as is
24 necessary to fund salary adjustments for departmental employees
25 which the general assembly has made an operating budget
26 appropriation for in subsection 1.

27 Sec. 12. 2013 Iowa Acts, chapter 132, section 39, is amended
28 to read as follows:

29 SEC. 39. GROUNDWATER PROTECTION FUND — WATER QUALITY.

30 There is appropriated from the groundwater protection fund
31 created in section 455E.11 to the department of natural
32 resources for the fiscal year beginning July 1, 2014,
33 and ending June 30, 2015, from those moneys which are not
34 allocated pursuant to that section, the following amount, or
35 so much thereof as is necessary, to be used for the purposes

1 designated:

2 For purposes of supporting the department's protection
3 of the state's groundwater, including for administration,
4 regulation, and programs, and for salaries, support,
5 maintenance, equipment, and miscellaneous purposes:

6 \$ 1,727,916
7 3,455,832

8 DESIGNATED APPROPRIATIONS

9 MISCELLANEOUS FUNDS

10 Sec. 13. 2013 Iowa Acts, chapter 132, section 40, is amended
11 to read as follows:

12 SEC. 40. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM.

13 There is appropriated from the special snowmobile fund created
14 under section 321G.7 to the department of natural resources for
15 the fiscal year beginning July 1, 2014, and ending June 30,
16 2015, the following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For purposes of administering and enforcing the state
19 snowmobile programs:

20 \$ 50,000
21 100,000

22 Sec. 14. 2013 Iowa Acts, chapter 132, section 41, is amended
23 to read as follows:

24 SEC. 41. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE

25 TANK SECTION EXPENSES. There is appropriated from the
26 unassigned revenue fund administered by the Iowa comprehensive
27 underground storage tank fund board to the department of
28 natural resources for the fiscal year beginning July 1, 2014,
29 and ending June 30, 2015, the following amount, or so much
30 thereof as is necessary, to be used for the purpose designated:

31 For purposes of paying for administration expenses of the
32 department's underground storage tank section:

33 \$ ~~100,000~~
34 200,000

35 SPECIAL APPROPRIATIONS

1 GENERAL FUND

2 Sec. 15. 2013 Iowa Acts, chapter 132, section 42, is amended
3 to read as follows:

4 SEC. 42. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

5 1. There is appropriated from the general fund of the state
6 to the department of natural resources for the fiscal year
7 beginning July 1, 2014, and ending June 30, 2015, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purpose designated:

10 For purposes of supporting floodplain management and dam
11 safety:

12 \$ ~~1,000,000~~
13 2,000,000

14 2. Of the amount appropriated in subsection 1, up to
15 ~~\$340,000~~ \$400,000 may be used by the department to acquire or
16 install stream gages for purposes of tracking and predicting
17 flood events and for compiling necessary data to improve flood
18 frequency analysis.

19 3. Notwithstanding section 8.33, moneys appropriated in
20 subsection 1 that remain unencumbered or unobligated at the
21 close of the fiscal year shall not revert but shall remain
22 available for expenditure for the purposes designated until the
23 close of the succeeding fiscal year.

24 Sec. 16. 2013 Iowa Acts, chapter 132, section 43, is amended
25 to read as follows:

26 SEC. 43. FORESTRY HEALTH MANAGEMENT.

27 1. There is appropriated from the general fund of the state
28 to the department of natural resources for the fiscal year
29 beginning July 1, 2014, and ending June 30, 2015, the following
30 amount, or so much thereof as is necessary, to be used for the
31 purposes designated:

32 For purposes of providing for forestry health management
33 programs:

34 \$ ~~100,000~~
35 200,000

1 2. Notwithstanding section 8.33, moneys appropriated in
2 this section that remain unencumbered or unobligated at the
3 close of the fiscal year shall not revert but shall remain
4 available to be used for the purposes designated until the
5 close of the succeeding fiscal year.

6 Sec. 17. 2013 Iowa Acts, chapter 132, section 44, is amended
7 to read as follows:

8 SEC. 44. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

9 1. There is transferred from the general fund of the state
10 to the loess hills development and conservation fund created in
11 section 161D.2 for the fiscal year beginning July 1, 2014, and
12 ending June 30, 2015, the following amount, or so much thereof
13 as is necessary, to be used for the purposes designated:

14 For supporting the purposes of the fund:

15	\$	37,500
16		<u>75,000</u>

17 2. a. Of the amount transferred in subsection 1, ~~\$28,125~~
18 \$56,250 shall be allocated to the fund's hungry canyons
19 account.

20 b. Not more than 10 percent of the moneys allocated to the
21 hungry canyons account as provided in paragraph "a" may be used
22 for administrative costs.

23 3. a. Of the amount transferred in subsection 1, ~~\$9,375~~
24 \$18,750 shall be allocated to the fund's loess hills alliance
25 account.

26 b. Not more than 10 percent of the moneys allocated to the
27 loess hills alliance account as provided in paragraph "a" may
28 be used for administrative costs.

29 4. Moneys deposited to the loess hills development and
30 conservation fund and its accounts for the fiscal year are
31 appropriated to the authority to be used as provided by law.

32 DIVISION IV

33 IOWA STATE UNIVERSITY

34 SPECIAL GENERAL FUND APPROPRIATION FOR FY 2014-2015

35 Sec. 18. 2013 Iowa Acts, chapter 132, section 45, is amended

1 to read as follows:

2 SEC. 45. VETERINARY DIAGNOSTIC LABORATORY.

3 1. There is appropriated from the general fund of the state
4 to Iowa state university of science and technology for the
5 fiscal year beginning July 1, 2014, and ending June 30, 2015,
6 the following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For purposes of supporting the college of veterinary
9 medicine for the operation of the veterinary diagnostic
10 laboratory and for not more than the following full-time
11 equivalent positions:

12	\$	<u>1,881,318</u>
13		<u>4,000,000</u>
14	FTEs	<u>50.00</u>
15		<u>51.00</u>

16 2. a. Iowa state university of science and technology
17 shall not reduce the amount that it allocates to support the
18 college of veterinary medicine from any other source due to the
19 appropriation made in this section.

20 b. Paragraph "a" does not apply to a reduction made to
21 support the college of veterinary medicine, if the same
22 percentage of reduction imposed on the college of veterinary
23 medicine is also imposed on all of Iowa state university's
24 budget units.

25 3. If by June 30, 2015, Iowa state university of science and
26 technology fails to allocate the moneys appropriated in this
27 section to the college of veterinary medicine in accordance
28 with this section, the moneys appropriated in this section for
29 that fiscal year shall revert to the general fund of the state.

30 DIVISION V

31 ENVIRONMENT FIRST FUND

32 GENERAL APPROPRIATIONS FOR FY 2014-2015

33 Sec. 19. 2013 Iowa Acts, chapter 132, section 47, is amended
34 to read as follows:

35 SEC. 47. DEPARTMENT OF AGRICULTURE AND LAND

1 STEWARDSHIP. There is appropriated from the environment first
2 fund created in section 8.57A to the department of agriculture
3 and land stewardship for the fiscal year beginning July 1,
4 2014, and ending June 30, 2015, the following amounts, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

8 a. For the conservation reserve enhancement program to
9 restore and construct wetlands for the purposes of intercepting
10 tile line runoff, reducing nutrient loss, improving water
11 quality, and enhancing agricultural production practices:

12 \$ 500,000
13 1,000,000

14 b. Not more than 10 percent of the moneys appropriated
15 in paragraph "a" may be used for costs of administration and
16 implementation of soil and water conservation practices.

17 c. Notwithstanding any other provision in law, the
18 department may provide state resources from this appropriation,
19 in combination with other appropriate environment first
20 fund appropriations, for cost sharing to match United States
21 department of agriculture, natural resources conservation
22 service, wetlands reserve enhancement program (WREP) funding
23 available to Iowa.

24 2. WATERSHED PROTECTION

25 a. For continuation of a program that provides
26 multiobjective resource protections for flood control, water
27 quality, erosion control, and natural resource conservation:

28 \$ 450,000
29 900,000

30 b. Not more than 10 percent of the moneys appropriated
31 in paragraph "a" may be used for costs of administration and
32 implementation of soil and water conservation practices.

33 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

34 a. For continuation of a statewide voluntary farm
35 management demonstration program to demonstrate the

1 effectiveness and adaptability of emerging practices in
2 agronomy that protect water resources and provide other
3 environmental benefits:

4 \$ ~~312,500~~
5 625,000

6 b. Not more than 10 percent of the moneys appropriated
7 in paragraph "a" may be used for costs of administration and
8 implementation of soil and water conservation practices.

9 c. Of the amount appropriated in paragraph "a", ~~\$200,000~~
10 \$400,000 shall be allocated to an organization representing
11 soybean growers to provide for an agriculture and environment
12 performance program in order to carry out the purposes of this
13 subsection as specified in paragraph "a".

14 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

15 For use by the department for costs of administration and
16 implementation of soil and water conservation practices:

17 \$ ~~1,275,000~~
18 2,550,000

19 5. CONSERVATION RESERVE PROGRAM (CRP)

20 a. To encourage and assist farmers in enrolling in and the
21 implementation of the federal conservation reserve program and
22 to work with them to enhance their revegetation efforts to
23 improve water quality and habitat:

24 \$ ~~500,000~~
25 1,000,000

26 b. Not more than 10 percent of the moneys appropriated
27 in paragraph "a" may be used for costs of administration and
28 implementation of soil and water conservation practices.

29 6. SOIL AND WATER CONSERVATION

30 a. For use by the department in providing for soil and
31 water conservation administration, the conservation of soil and
32 water resources, or the support of soil and water conservation
33 district commissioners:

34 \$ ~~3,325,000~~
35 7,375,000

1 b. Not more than 5 percent of the moneys appropriated in
2 paragraph "a" may be allocated for cost sharing to address
3 complaints filed under section 161A.47.

4 c. Of the moneys appropriated in paragraph "a", 5 percent
5 shall be allocated for financial incentives to establish
6 practices to protect watersheds above publicly owned lakes of
7 the state from soil erosion and sediment as provided in section
8 161A.73.

9 d. Not more than 30 percent of a soil and water conservation
10 district's allocation of moneys as financial incentives may be
11 provided for the purpose of establishing management practices
12 to control soil erosion on land that is row cropped, including
13 but not limited to no-till planting, ridge-till planting,
14 contouring, and contour strip-cropping as provided in section
15 161A.73.

16 e. The state soil conservation committee established by
17 section 161A.4 may allocate moneys appropriated in paragraph
18 "a" to conduct research and demonstration projects to promote
19 conservation tillage and nonpoint source pollution control
20 practices.

21 f. The allocation of moneys as financial incentives as
22 provided in section 161A.73 may be used in combination with
23 moneys allocated by the department of natural resources.

24 g. Not more than 15 percent of the moneys appropriated
25 in paragraph "a" may be used for costs of administration and
26 implementation of soil and water conservation practices.

27 h. In lieu of moneys appropriated in section 466A.5,
28 not more than ~~\$25,000~~ \$50,000 of the moneys appropriated in
29 paragraph "a" shall be used by the soil conservation division
30 of the department of agriculture and land stewardship to
31 provide administrative support to the watershed improvement
32 review board established in section 466A.3.

33 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

34 a. For deposit in the loess hills development and
35 conservation fund created in section 161D.2:

1 \$ 262,500
2 800,000

3 b. (1) Of the amount appropriated in paragraph "a",
4 ~~\$196,875~~ \$600,000 shall be allocated to the fund's hungry
5 canyons account.

6 (2) Not more than 10 percent of the moneys allocated to the
7 hungry canyons account as provided in subparagraph (1) may be
8 used for administrative costs.

9 c. (1) Of the amount appropriated in paragraph "a", ~~\$65,625~~
10 \$200,000 shall be allocated to the fund's loess hills alliance
11 account.

12 (2) Not more than 10 percent of the moneys allocated to the
13 loess hills alliance account as provided in subparagraph (1)
14 may be used for administrative costs.

15 8. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

16 For deposit in the agricultural drainage well water quality
17 assistance fund created in section 460.303 to be used for
18 purposes of supporting the agricultural drainage well water
19 quality assistance program as provided in section 460.304:
20 \$ 550,000

21 9. SILOS AND SMOKESTACKS

22 For purposes of supporting the silos and smokestacks
23 national heritage area to provide continued agricultural
24 education and preservation:
25 \$ 200,000

26 Sec. 20. 2013 Iowa Acts, chapter 132, section 48, is amended
27 to read as follows:

28 SEC. 48. DEPARTMENT OF NATURAL RESOURCES. There is
29 appropriated from the environment first fund created in section
30 8.57A to the department of natural resources for the fiscal
31 year beginning July 1, 2014, and ending June 30, 2015, the
32 following amounts, or so much thereof as is necessary, to be
33 used for the purposes designated:

34 1. KEEPERS OF THE LAND

35 For statewide coordination of volunteer efforts under the

1 water quality and keepers of the land programs:
2 \$ ~~50,000~~
3 100,000

4 2. STATE PARKS MAINTENANCE AND OPERATIONS
5 For regular maintenance and operations of state parks and
6 staff time associated with these activities:
7 \$ ~~3,180,000~~
8 4,610,000

9 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
10 To provide local watershed managers with geographic
11 information system data for their use in developing,
12 monitoring, and displaying results of their watershed work:
13 \$ ~~97,500~~
14 195,000

15 4. WATER QUALITY MONITORING
16 For continuing the establishment and operation of water
17 quality monitoring stations:
18 \$ ~~1,477,500~~
19 2,955,000

20 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
21 For deposit in the public water supply system account of the
22 water quality protection fund created in section 455B.183A:
23 \$ ~~250,000~~
24 500,000

25 6. REGULATION OF ANIMAL FEEDING OPERATIONS
26 For the regulation of animal feeding operations, including
27 as provided for in chapters 459 through 459B:
28 \$ ~~660,000~~
29 1,320,000

30 7. AMBIENT AIR QUALITY
31 For the abatement, control, and prevention of ambient
32 air pollution in this state, including measures as necessary
33 to assure attainment and maintenance of ambient air quality
34 standards from particulate matter:
35 \$ ~~212,500~~

1 425,000

2 8. WATER QUANTITY REGULATION

3 For regulating water quantity from surface and subsurface

4 sources by providing for the allocation and use of water

5 resources, the protection and management of water resources,

6 and the preclusion of conflicts among users of water resources,

7 including as provided in chapter 455B, division III, part 4:

8 \$ ~~247,500~~

9 495,000

10 9. GEOLOGICAL AND WATER SURVEY

11 For continuing the operations of the department's geological

12 and water survey including but not limited to providing

13 analysis, data collection, investigative programs, and

14 information for water supply development and protection:

15 \$ ~~100,000~~

16 200,000

17 10. KEEP IOWA BEAUTIFUL INITIATIVE

18 For purposes of supporting a keep Iowa beautiful initiative

19 in order to assist communities in developing and implementing

20 beautification and community development plans:

21 \$ ~~100,000~~

22 200,000

23 Sec. 21. 2013 Iowa Acts, chapter 132, section 49, is amended

24 to read as follows:

25 SEC. 49. REVERSION.

26 1. Notwithstanding Except as provided in subsection 2,

27 and notwithstanding section 8.33, moneys appropriated for the

28 fiscal year beginning July 1, 2014, in this division of this

29 Act that remain unencumbered or unobligated at the close of the

30 fiscal year shall not revert but shall remain available to be

31 used for the purposes designated until the close of the fiscal

32 year beginning July 1, 2015, or until the project for which the

33 appropriation was made is completed, whichever is earlier.

34 2. Notwithstanding section 8.33, moneys appropriated for

35 the fiscal year beginning July 1, 2014, in this division of

1 this Act to the department of agriculture and land stewardship
2 to provide financial assistance for the establishment of
3 permanent soil and water conservation practices that remain
4 unencumbered or unobligated at the close of the fiscal year
5 shall not revert but shall remain available for expenditure
6 for the purposes designated until the close of the fiscal year
7 beginning July 1, 2017.

8 DIVISION VI

9 ENVIRONMENT FIRST FUND

10 SPECIAL APPROPRIATION FOR FY 2014-2015

11 Sec. 22. 2013 Iowa Acts, chapter 132, is amended by adding
12 the following new section:

13 NEW SECTION. SEC. 64. REAP — IN LIEU OF GENERAL FUND
14 APPROPRIATION. Notwithstanding the amount of the standing
15 appropriation from the general fund of the state to the Iowa
16 resources enhancement and protection fund as provided in
17 section 455A.18, there is appropriated from the environment
18 first fund created in section 8.57A to the Iowa resources
19 enhancement and protection fund, in lieu of the appropriation
20 made in section 455A.18, for the fiscal year beginning July 1,
21 2014, and ending June 30, 2015, the following amount, to be
22 allocated as provided in section 455A.19:

23 \$ 16,000,000

24 DIVISION VII

25 SOIL AND WATER CONSERVATION PRACTICES

26 REVERSION OF APPROPRIATIONS FOR FY 2013-2014

27 Sec. 23. 2013 Iowa Acts, chapter 132, section 25, is amended
28 to read as follows:

29 SEC. 25. REVERSION.

30 1. ~~Notwithstanding~~ Except as provided in subsection 2,
31 and notwithstanding section 8.33, moneys appropriated for the
32 fiscal year beginning July 1, 2013, in this division of this
33 Act that remain unencumbered or unobligated at the close of
34 the fiscal year shall not revert but shall remain available
35 to be used for the purposes designated until the close of the

1 succeeding fiscal year or until the project for which the
2 appropriation was made is completed, whichever is earlier.

3 2. Notwithstanding section 8.33, moneys appropriated for
4 the fiscal year beginning July 1, 2013, in this division of
5 this Act to the department of agriculture and land stewardship
6 to provide financial assistance for the establishment of
7 permanent soil and water conservation practices that remain
8 unencumbered or unobligated at the close of the fiscal year
9 shall not revert but shall remain available for expenditure
10 for the purposes designated until the close of the fiscal year
11 beginning July 1, 2016.

12 DIVISION VIII

13 REAP — OPEN SPACES ACCOUNT

14 SPECIAL APPROPRIATION FOR FY 2013-2014

15 Sec. 24. 2013 Iowa Acts, chapter 132, is amended by adding
16 the following new section:

17 NEW SECTION. SEC. 65. SPECIAL APPROPRIATION.

18 1. Notwithstanding section 455A.19, subsection 1, paragraph
19 "a", there is appropriated from the open spaces account of
20 the Iowa resources enhancement and protection fund to the
21 department of natural resources for the fiscal year beginning
22 July 1, 2013, and ending June 30, 2014, the following amount,
23 or so much thereof as is necessary, to be used for the purposes
24 designated:

25 For purposes of supporting the regular maintenance and
26 operations of state parks and staff time associated with these
27 activities:

28 \$ 250,000

29 2. The moneys appropriated in subsection 1 shall be expended
30 on or after the effective date of this division of this Act
31 prior to the expenditure of any unobligated moneys remaining in
32 the open spaces account.

33 3. Notwithstanding section 455A.19, subsection 2, any
34 moneys appropriated in this section that remain unexpended
35 or unobligated at the close of the fiscal year beginning

1 July 1, 2013, shall revert to the Iowa resources enhancement
2 and protection fund created pursuant to section 455A.18 for
3 allocation to accounts other than the open spaces account as
4 provided in section 455A.19.

5 Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this
6 Act, being deemed of immediate importance, takes effect upon
7 enactment.

8 DIVISION IX

9 REAP — OPEN SPACES ACCOUNT

10 SPECIAL APPROPRIATIONS FOR FY 2014-2015

11 Sec. 26. 2013 Iowa Acts, chapter 132, is amended by adding
12 the following new section:

13 NEW SECTION. SEC. 66. SPECIAL APPROPRIATIONS.

14 1. Notwithstanding section 455A.19, subsection 1, paragraph
15 "a", there is appropriated from the open spaces account of
16 the Iowa resources enhancement and protection fund to the
17 department of natural resources for the fiscal year beginning
18 July 1, 2014, and ending June 30, 2015, the following amount,
19 or so much thereof as is necessary, to be used for the purposes
20 designated:

21 a. For purposes of supporting the regular maintenance and
22 operations of state parks and staff time associated with these
23 activities:

24 \$ 1,000,000

25 b. For purposes of providing for forestry health management
26 programs:

27 \$ 300,000

28 2. The moneys appropriated in subsection 1 shall be expended
29 on or after the effective date of this division of this Act
30 prior to the expenditure or obligation of any moneys allocated
31 to the account on or after the effective date of this division
32 of this Act.

33 3. Notwithstanding section 455A.19, subsection 2, any
34 moneys appropriated in this section that remain unexpended
35 or unobligated at the close of the fiscal year beginning

1 July 1, 2014, shall revert to the Iowa resources enhancement
2 and protection fund created pursuant to section 455A.18 for
3 allocation to accounts other than the open spaces account as
4 provided in section 455A.19.

5 DIVISION X

6 RELATED STATUTORY CHANGES

7 DNR — PURCHASE OF RADIOS

8 Sec. 27. 2011 Iowa Acts, chapter 128, section 19, subsection
9 1, as amended by 2012 Iowa Acts, chapter 1135, section 15, as
10 amended by 2013 Iowa Acts, chapter 132, section 51, is amended
11 to read as follows:

12 SEC. 19. USE OF MONEYS — RADIOS.

13 1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7,
14 the department of natural resources may use the unappropriated
15 balance remaining in the state fish and game protection fund
16 for the fiscal year beginning July 1, 2010, and ending June
17 30, 2011, to purchase mobile radios to meet federal and state
18 requirements for homeland security and public safety. This
19 section applies to those moneys in the fund that are not
20 otherwise used, obligated, or encumbered for payment of health
21 and life insurance premium payments for conservation peace
22 officer retirements for that fiscal year. The department may
23 use such moneys until June 30, ~~2014~~ 2015.

24 Sec. 28. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27 DIVISION XI

28 RELATED STATUTORY CHANGES

29 DNR — MANURE MANAGEMENT CERTIFICATION

30 Sec. 29. 2013 Iowa Acts, chapter 132, section 17, is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. 2A. Notwithstanding section 8.33, moneys
33 appropriated in subsection 1 that remain unencumbered or
34 unobligated at the close of the fiscal year beginning July
35 1, 2013, shall not revert but shall remain available for

1 expenditure for the purposes designated until the close of the
2 fiscal year beginning July 1, 2014.

3 Sec. 30. EFFECTIVE UPON ENACTMENT. This division of this
4 Act, being deemed of immediate importance, takes effect upon
5 enactment.

6 DIVISION XII

7 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

8 WATER QUALITY INITIATIVE — CONFIDENTIALITY

9 Sec. 31. Section 466B.47, subsection 5, Code 2014, is
10 amended by striking the subsection.

11 Sec. 32. NEW SECTION. **466B.49 Confidentiality of**
12 **information.**

13 Any information received, collected, or held under this
14 subchapter is a confidential record, and is exempted from
15 public access as provided in section 22.7, if all of the
16 following apply:

17 1. The information is received, collected, or held by any
18 of the following:

19 a. The center.

20 b. A nonprofit organization that conducts nutrient
21 management research, including but not limited to conducting
22 evaluations, assessments, or validations.

23 2. The information identifies any of the following:

24 a. A person who holds a legal interest in agricultural land
25 or who has previously held a legal interest in agricultural
26 land.

27 b. A person who is involved or who has previously been
28 involved in managing the agricultural land or producing crops
29 or livestock on the agricultural land.

30 c. The identifiable location of the agricultural land.

31 Sec. 33. EFFECTIVE UPON ENACTMENT. This division of this
32 Act, being deemed of immediate importance, takes effect upon
33 enactment.

34 DIVISION XIII

35 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

1 REAP RESTRICTIONS ON OPEN SPACES ACCOUNT

2 Sec. 34. Section 455A.19, subsection 1, paragraph a, Code
3 2014, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (4) The department shall not acquire
5 any interest in land using moneys allocated to the open spaces
6 account under this paragraph "a" by exercising the power of
7 eminent domain, including as provided in chapters 6A and 6B.

8 Sec. 35. PENDING EMINENT DOMAIN PROCEEDINGS

9 TERMINATED. Any proceeding commenced by the state and pending
10 on the effective date of this division of this Act to acquire
11 any interest in land using moneys allocated to the open spaces
12 account under section 455A.19, subsection 1, paragraph "a", by
13 exercising the power of eminent domain, including as provided
14 in chapters 6A and 6B, shall be immediately terminated.

15 Sec. 36. APPROPRIATION MADE CONTINGENT. All unencumbered
16 and unobligated moneys appropriated to the department of
17 natural resources from the general fund of the state under
18 2013 Iowa Acts, chapter 132, section 37, as amended in this
19 2014 Iowa Act, shall immediately revert to the general fund of
20 the state if the department uses moneys allocated to the open
21 spaces account under section 455A.19, subsection 1, paragraph
22 "a", to acquire any interest in land by exercising the power of
23 eminent domain, including as provided in chapters 6A and 6B.

24 Sec. 37. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27

DIVISION XIV

28 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014 LOESS HILLS
29 AUTHORITY AND ALLIANCE

30 Sec. 38. NEW SECTION. 161D.9 **Oversee or manage public or**
31 **private land — referendum.**

32 1. The loess hills development and conservation authority
33 or the board of directors of the loess hills alliance shall not
34 execute any agreement with a local government or the state or
35 federal government, if the agreement allows the authority or

1 alliance to oversee or manage public or private land situated
2 within the loess hills area, unless the question to oversee or
3 manage such land is approved by a referendum of eligible voters
4 asked to answer either "yes" or "no". An eligible voter must
5 be an individual who is a citizen of the United States, not
6 less than eighteen years of age, and the owner of land located
7 within twenty-five miles from the borders of the land that the
8 authority or alliance proposes to oversee or manage.

9 2. *a.* The board of directors of the alliance shall provide
10 notice of the referendum to eligible voters by publication in
11 the same manner provided in section 331.305. A copy of the
12 notice shall also be sent by ordinary mail to the last known
13 mailing address of each eligible voter. The notice shall
14 provide eligible voters with all information necessary to cast
15 a vote at a reasonable time and a reasonable manner.

16 *b.* The board of directors of the alliance may conduct the
17 referendum by mail, electronic means, or a general meeting of
18 eligible voters. The board of directors shall conduct the
19 referendum and count and tabulate the ballots cast during
20 the referendum within thirty days following the close of the
21 referendum.

22 *c.* If the voters disapprove the question, an additional
23 referendum on the same question shall not be conducted.

24 3. This section shall not be construed to increase the
25 authority of the alliance provided in this chapter.

26 Sec. 39. NEW SECTION. 161D.10 Rules.

27 The board of directors of the alliance shall adopt all rules
28 necessary to administer this subchapter.

29 Sec. 40. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 DIVISION XV

33 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

34 EMINENT DOMAIN

35 Sec. 41. NEW SECTION. 6A.15 Property on state historic

1 **registry.**

2 1. Property listed on the state register of historic places
3 maintained by the historical division of the department of
4 cultural affairs shall not be removed from the register solely
5 for the purpose of allowing acquisition of the property by
6 condemnation, unless such condemnation is undertaken by the
7 department of transportation.

8 2. Property listed on the state register of historic places
9 maintained by the historical division of the department of
10 cultural affairs shall not be condemned by the state or a
11 political subdivision unless a joint resolution authorizing
12 commencement of the condemnation proceedings is approved by a
13 vote of at least two-thirds of the members of both chambers of
14 the general assembly and signed by the governor. The approval
15 requirements of this subsection shall not apply to condemnation
16 undertaken by the department of transportation.

17 Sec. 42. Section 6A.19, Code 2014, is amended to read as
18 follows:

19 **6A.19 Interpretative clause.**

20 A grant in this chapter of right to take private property
21 for a public use shall not be construed as limiting a like
22 grant elsewhere in the Code for another and different use.
23 Unless specifically provided by law, this chapter shall not
24 be construed to limit or otherwise affect the application of
25 chapters 478 and 479 to the eminent domain authority of the
26 utilities division of the department of commerce.

27 Sec. 43. Section 6A.22, subsection 2, paragraph c,
28 subparagraph (1), Code 2014, is amended to read as follows:

29 (1) (a) If private property is to be condemned for
30 development or creation of a lake, only that number of acres
31 justified as reasonable and necessary for a surface drinking
32 water source, and not otherwise acquired, may be condemned.
33 In addition, the acquiring agency shall conduct a review of
34 prudent and feasible alternatives to provision of a drinking
35 water source prior to making a determination that such

1 lake development or creation is reasonable and necessary.

2 Development or creation of a lake as a surface drinking water
3 source includes all of the following:

4 (i) Construction of the dam, including sites for suitable
5 borrow material and the auxiliary spillway.

6 (ii) The water supply pool.

7 (iii) The sediment pool.

8 (iv) The flood control pool.

9 (v) The floodwater retarding pool.

10 (vi) The surrounding area upstream of the dam no higher in
11 elevation than the top of the dam's elevation.

12 (vii) The appropriate setback distance required by state or
13 federal laws and regulations to protect drinking water supply.

14 (b) For purposes of this subparagraph (1), "*number of acres*
15 *justified as reasonable and necessary for a surface drinking*

16 *water source*" means according to guidelines of the United
17 States natural resource conservation service and according to

18 analyses of surface drinking water capacity needs conducted by
19 one or more registered professional engineers. The registered

20 professional engineers may, if appropriate, employ standards
21 or guidelines other than the guidelines of the United States

22 natural resource conservation service when determining the
23 number of acres justified as reasonable and necessary for

24 a surface drinking water source. The data and information
25 used by the registered professional engineers shall include

26 data and information relating to population and commercial
27 enterprise activity for the area from the two most recent

28 federal decennial censuses unless the district court of the
29 county in which the property is situated has determined by

30 a preponderance of the evidence that such data would not
31 accurately predict the population and commercial enterprise

32 activity of the area in the future.

33 (c) A second review or analysis of the drinking water

34 capacity needs shall be performed upon receipt by the acquiring

35 agency of a petition signed by not less than twenty-five

1 percent of the affected property owners. The registered
2 professional engineer to perform the second review or analysis
3 shall be selected by a committee appointed by the affected
4 property owners and whose membership is comprised of at
5 least fifty percent property owners affected by the proposed
6 condemnation action. The acquiring agency shall be responsible
7 for paying the fees and expenses of such an engineer.

8 (d) If private property is to be condemned for development
9 or creation of a lake, the plans, analyses, applications,
10 including any application for funding, and other planning
11 activities of the acquiring agency shall not include or provide
12 for the use of the lake for recreational purposes.

13 Sec. 44. Section 6B.54, subsection 10, paragraph a, Code
14 2014, is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
16 reasonable costs not to exceed one hundred thousand dollars,
17 attributable to a determination that the creation of a lake
18 through condemnation includes a future recreational use or that
19 a violation of section 6A.22, subsection 2, paragraph "c",
20 subparagraph (1), subparagraph division (d), has occurred, if
21 such fees and costs are not otherwise provided under section
22 6B.33.

23 Sec. 45. NEW SECTION. **6B.56B Disposition of condemned**
24 **property — two-year time period.**

25 1. When two years have elapsed since property was condemned
26 for the creation of a lake according to the requirements of
27 section 6A.22, subsection 2, paragraph "c", subparagraph (1),
28 and the property has not been used for or construction has
29 not progressed substantially from the date the property was
30 condemned for the purpose stated in the application filed
31 pursuant to section 6B.3, and the acquiring agency has not
32 taken action to dispose of the property pursuant to section
33 6B.56, the acquiring agency shall, within sixty days, adopt a
34 resolution offering the property for sale to the prior owner
35 at a price as provided in section 6B.56. If the resolution

1 adopted approves an offer of sale to the prior owner, the offer
2 shall be made in writing and mailed by certified mail to the
3 prior owner. The prior owner has one hundred eighty days after
4 the offer is mailed to purchase the property from the acquiring
5 agency.

6 2. If the acquiring agency has not adopted a resolution
7 described in subsection 1 within the sixty-day time period, the
8 prior owner may, in writing, petition the acquiring agency to
9 offer the property for sale to the prior owner at a price as
10 provided in section 6B.56. Within sixty days after receipt of
11 such a petition, the acquiring agency shall adopt a resolution
12 described in subsection 1. If the acquiring agency does not
13 adopt such a resolution within sixty days after receipt of the
14 petition, the acquiring agency is deemed to have offered the
15 property for sale to the prior owner.

16 3. The acquiring agency shall give written notice to the
17 owner of the right to purchase the property under this section
18 at the time damages are paid to the owner.

19 Sec. 46. Section 403.7, subsection 1, unnumbered paragraph
20 1, Code 2014, is amended to read as follows:

21 A municipality shall have the right to acquire by
22 condemnation any interest in real property, including a fee
23 simple title thereto, which it may deem necessary for or in
24 connection with an urban renewal project under this chapter,
25 subject to the limitations on eminent domain authority
26 in ~~chapter~~ chapters 6A and 6B. However, a municipality
27 shall not condemn agricultural land included within an
28 economic development area for any use unless the owner of
29 the agricultural land consents to condemnation or unless the
30 municipality determines that the land is necessary or useful
31 for any of the following:

32 Sec. 47. NEW SECTION. 423B.11 Use of revenues —
33 limitation.

34 The revenue raised by a local sales and services tax imposed
35 under this chapter by a county shall not be expended for any

1 purpose related to a project that includes the condemnation of
2 private property for the creation of a lake according to the
3 requirements of section 6A.22, subsection 2, paragraph "c",
4 subparagraph (1), if the local sales and services tax has not
5 been approved at election in the area where the property to be
6 condemned is located.

7 Sec. 48. Section 455A.5, Code 2014, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 7. The authority granted to the commission
10 to acquire real property for purposes of carrying out a
11 duty related to development or maintenance of the recreation
12 resources of the state, including planning, acquisition, and
13 development of recreational projects, and areas and facilities
14 related to such projects, shall not include the authority to
15 acquire real property by eminent domain.

16 Sec. 49. Section 456A.24, subsection 2, unnumbered
17 paragraph 1, Code 2014, is amended to read as follows:

18 Acquire by purchase, ~~condemnation~~, lease, agreement,
19 gift, and devise lands or waters suitable for the purposes
20 hereinafter enumerated, and rights-of-way thereto, and to
21 maintain the same for the following purposes, ~~to wit:~~

22 Sec. 50. Section 456A.24, Code 2014, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 15. The authority granted the department
25 to acquire real property for any statutory purpose relating to
26 the development or maintenance of the recreation resources of
27 the state, including planning, acquisition, and development
28 of recreational projects, and areas and facilities related to
29 such projects, shall not include the authority to acquire real
30 property by eminent domain.

31 Sec. 51. Section 461A.7, Code 2014, is amended to read as
32 follows:

33 **461A.7 ~~Eminent domain~~ Purchase of lands — public parks.**

34 The commission may purchase ~~or condemn~~ lands from willing
35 sellers for public parks. ~~No~~ A contract for the purchase of

1 such public parks shall not be made to an amount in excess of
2 funds appropriated therefor by the general assembly.

3 Sec. 52. Section 461A.10, Code 2014, is amended to read as
4 follows:

5 **461A.10 Title to lands.**

6 The title to all lands purchased, ~~condemned,~~ or donated,
7 hereunder, for park ~~or highway~~ purposes and the title to all
8 lands purchased, condemned, or donated hereunder for highway
9 purposes, shall be taken in the name of the state and if
10 thereafter it shall be deemed advisable to sell any portion of
11 the land so purchased or condemned, the proceeds of such sale
12 shall be placed to the credit of the ~~said~~ public state parks
13 fund to be used for such park purposes.

14 Sec. 53. Section 463C.8, subsection 1, paragraph k, Code
15 2014, is amended to read as follows:

16 *k.* The power to acquire, own, hold, administer, and dispose
17 of property, except that such power is not a grant of authority
18 to acquire property by eminent domain.

19 Sec. 54. 2013 Iowa Acts, chapter 132, is amended by adding
20 the following new section:

21 NEW SECTION. SEC. 75. REPEAL. Sections 461A.9 and 461A.75,
22 Code 2014, are repealed.

23 Sec. 55. SEVERABILITY. If any provision of this division of
24 this Act is held invalid, the invalidity shall not affect other
25 provisions or applications of this division of this Act which
26 can be given effect without the invalid provision, and to this
27 end the provisions of this division of this Act are severable
28 as provided in section 4.12.

29 Sec. 56. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 Sec. 57. APPLICABILITY. Except as otherwise provided in
33 this division of this Act, this division of this Act applies to
34 projects or condemnation proceedings pending or commenced on or
35 after the effective date of this division of this Act.

1 section 192.109), the local food and farm program (Code chapter
2 267A), an agricultural education organization, and assistance
3 to farmers with disabilities.

4 DALS — WATER QUALITY INITIATIVE. Moneys are appropriated
5 from the general fund for deposit in a water quality initiative
6 fund for purposes of supporting a water quality initiative
7 administered by DALS' soil conservation division and ISU. The
8 bill allows DALS to use a portion of the appropriated moneys
9 for urban soil and water conservation.

10 DNR — GENERAL FUND AND OTHER MAJOR FUNDS APPROPRIATIONS.
11 The bill makes appropriations from a number of funds to DNR in
12 order to support its administrative divisions involving natural
13 resources and environmental protection from the general fund
14 of the state, the state fish and game protection fund, and the
15 groundwater protection fund.

16 DNR — DESIGNATED MISCELLANEOUS FUNDS APPROPRIATIONS. The
17 bill appropriates moneys to DNR from a number of sources to
18 support designated purposes, including moneys deposited in the
19 special snowmobile fund (Code section 321G.7) to provide for
20 administering and enforcing the state snowmobile programs; and
21 moneys deposited in the unassigned revenue fund for purposes
22 of paying for administration of the department's underground
23 storage tank section.

24 DNR — SPECIAL GENERAL FUND APPROPRIATIONS. The bill also
25 makes special appropriations from the general fund to DNR
26 in order to support specific purposes including floodplain
27 management and dam safety, and forestry health management
28 programs. Moneys are also transferred from the general fund to
29 the loess hills development and conservation fund.

30 ISU — SPECIAL GENERAL FUND APPROPRIATIONS. The bill
31 appropriates moneys from the general fund to ISU to support the
32 operation of its veterinary diagnostic laboratory.

33 DALS AND DNR — GENERAL ENVIRONMENT FIRST FUND. The bill
34 appropriates moneys from the environment first fund to DALS
35 and DNR. For DALS, moneys are appropriated to support the

1 conservation reserve enhancement program, a farm management
2 demonstration program, the conservation reserve program; soil
3 and water conservation efforts, the loess hills development and
4 conservation fund, and the agricultural drainage well water
5 quality assistance fund. For DNR, moneys are appropriated to
6 support keepers of the land; the maintenance of state parks;
7 geographic information systems; water quality monitoring; the
8 public water supply system account; the regulation of animal
9 feeding operations; ambient air quality regulation; water
10 quality regulation; the operation of DNR's geological and water
11 survey; the keep Iowa beautiful initiative; and the silos and
12 smokestacks national heritage area.

13 The bill provides that moneys appropriated to DALs for FY
14 2014 and FY 2015 to support soil and water conservation do not
15 revert until the close of the fourth fiscal year after the
16 appropriation was made.

17 RESOURCE ENHANCEMENT AND PROTECTION (REAP). The amount
18 of \$16 million is appropriated from the environment first
19 fund for FY 2014-2015 in lieu of the \$20 million standing
20 appropriation from the general fund (Code section 455A.18). A
21 special appropriation is made from REAP's open spaces account
22 for FY 2013-2014 and FY 2014-2015. The appropriation for FY
23 2013-2014 is for purposes of supporting regular maintenance
24 and operations of state parks and the appropriation for
25 FY 2014-2015 is made for purposes of supporting regular
26 maintenance and operations of state parks forestry health
27 management programs.

28 DNR PURCHASE OF RADIOS. The bill extends the period for
29 one year that DNR is authorized to purchase radios using the
30 unappropriated balance remaining in the state fish and game
31 fund.

32 MANURE MANAGEMENT CERTIFICATION. The bill extends for
33 another fiscal year the period when DNR may expend money
34 appropriated for FY 2013-2014 in order to implement an online
35 certification program for manure applicators. The provision is

1 effective upon enactment.

2 STATUTORY CHANGES — REAP'S OPEN SPACES ACCOUNT. The bill
3 prohibits DNR from exercising eminent domain power in acquiring
4 land using moneys allocated to REAP's open spaces account.

5 STATUTORY CHANGES — WATER QUALITY INITIATIVE. The bill
6 provides that information received, collected, or held by the
7 Iowa nutrient research center or a nonprofit organization
8 acting under the water quality initiative (Code chapter 466B,
9 subchapter IV) is a confidential record and exempted from
10 public access under the public records law.

11 STATUTORY CHANGES — LOESS HILLS DEVELOPMENT AND
12 CONSERVATION. The bill prohibits the loess hills development
13 and conservation authority or board of directors of the loess
14 hills alliance from executing any agreement with a local
15 government or the state or federal government that allows the
16 authority or alliance to oversee or manage public or private
17 land unless approved by a referendum of persons holding land
18 in proximity to the land proposed to be overseen or managed.
19 The board is also required to adopt rules to administer its
20 responsibilities.

21 STATUTORY CHANGES — EMINENT DOMAIN PROCEDURES.

22 GENERAL. The bill includes a division that makes changes
23 relating to eminent domain authority and procedures.

24 STATE REGISTER OF HISTORIC PLACES. The bill provides that
25 property listed on the state register of historic places shall
26 not be removed from the register solely for the purpose of
27 allowing the property to be acquired by condemnation unless the
28 condemnation is undertaken by the department of transportation.
29 The bill also provides that property on the state register
30 of historic places shall not be condemned unless a joint
31 resolution authorizing the condemnation is approved by a vote
32 of at least two-thirds of each chamber of the general assembly
33 and signed by the governor. This approval procedure, however,
34 does not apply to a condemnation undertaken by the department
35 of transportation.

1 UTILITIES DIVISION. The bill specifies that Code chapter
2 6A, unless specifically provided by law, is not to be construed
3 to limit or otherwise affect the application of Code chapters
4 478 and 479 providing eminent domain authority to the utilities
5 division of the department of commerce.

6 LAKES — GENERAL. The bill makes changes relating to eminent
7 domain authority in relation to development or creation of
8 a lake. The bill provides that when determining the number
9 of acres justified as reasonable and necessary for a surface
10 drinking water source, the registered professional engineers
11 may, if appropriate, employ standards or guidelines other
12 than the guidelines of the United States natural resource
13 conservation service. The bill requires the data and
14 information used by the registered professional engineers
15 to include data and information relating to population and
16 commercial enterprise activity for the area from the two most
17 recent federal decennial censuses unless the district court of
18 the county in which the property is situated has determined
19 by a preponderance of the evidence that such data would not
20 accurately predict the population and commercial enterprise
21 activity of the area in the future.

22 LAKES — DRINKING WATER. The bill also provides that a
23 second review or analysis of the drinking water capacity needs
24 shall be performed upon receipt by the acquiring agency of a
25 petition signed by not less than 25 percent of the affected
26 property owners. The registered professional engineer to
27 perform the second review or analysis shall be selected by
28 a committee appointed by the affected property owners and
29 comprised of at least 50 percent property owners affected by
30 the proposed condemnation action. The bill further provides
31 that the acquiring agency shall pay for the services of such
32 an engineer.

33 LAKES — RECREATIONAL PURPOSES LIMITED. The bill provides
34 that if private property is to be condemned for development
35 or creation of a lake, the plans, analyses, applications,

1 including any application for funding, and other planning
2 activities of the acquiring agency shall not include or provide
3 for the use of the lake for recreational purposes.

4 LAKES — ATTORNEY FEES. The bill adds reasonable attorney
5 fees and reasonable costs that are attributable to certain
6 condemnation proceedings relating to the creation of a lake,
7 up to \$100,000, to the list of expenses reimbursable by an
8 acquiring agency to a property owner.

9 LAKES — RESALE TO PRIOR OWNER. The bill provides that
10 when two years have elapsed since property was condemned for
11 the creation of a lake and the property has not been used
12 for or construction has not progressed substantially for the
13 purpose stated in the application, and the acquiring agency
14 has not taken action to dispose of the property pursuant to
15 Code section 6B.56, the acquiring agency shall, within 60
16 days, adopt a resolution offering the property for sale to the
17 prior owner at a price as provided in Code section 6B.56. If
18 the acquiring agency has not adopted a resolution within the
19 60-day time period, the prior owner may petition the acquiring
20 agency to offer the property for sale to the prior owner at a
21 price as provided in Code section 6B.56. The bill requires the
22 acquiring agency to give written notice to the owner at the
23 time damages are paid to the owner of the right to purchase the
24 property under such circumstances.

25 LAKES — LOCAL SALES AND SERVICES TAX. The bill provides
26 that the revenue raised by a local sales and services tax
27 imposed under Code chapter 423B by a county shall not be
28 expended for any purpose related to a project that includes
29 the condemnation of private property for the creation of a
30 lake if the local sales and services tax has not been approved
31 at election in the area where the property to be condemned is
32 located.

33 URBAN RENEWAL. The bill also amends urban renewal law
34 relating to the circumstances in which a municipality may
35 condemn agricultural land within an economic development urban

1 renewal area to provide that condemnation may occur if viable
2 alternatives do not exist and the acquisition of the land is
3 necessary for the purposes stated in current law.

4 RECREATIONAL USES LIMITED. The bill provides that DNR and
5 the natural resource commission shall not exercise eminent
6 domain authority to acquire real property for purposes of
7 carrying out a duty related to development or maintenance of
8 the recreation resources of the state, including planning,
9 acquisition, and development of recreational projects,
10 and areas and facilities related to such projects. The
11 bill retains DNR's authority to acquire property through
12 condemnation for highway purposes.

13 The bill's division takes effect upon enactment and the
14 provisions amending Code section 6A.22 and enacting Code
15 section 6B.56B apply retroactively to projects or condemnation
16 proceedings pending or commenced on or after February 15, 2013.